

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 JIM BASS HOLDEN,

10 Petitioner,

11 vs.

12 WARDEN NEVINS, et al.,

13 Respondents.
14

Case No. 2:13-cv-00668-JCM-GWF

ORDER

15 Petitioner has filed a motion for withdrawal of attorney (ECF No. 51), a motion for
16 appointment of counsel (ECF No. 52), and a motion to stay (ECF No. 55). Counsel represents
17 petitioner, and petitioner cannot file proper-person motions. LR IA 11-6(a). That reason alone is
18 enough to deny these motions.

19 Additionally, respondents' arguments are correct. Petitioner wants new counsel to present a
20 new Sixth Amendment claim. This claim is untimely on its own, and it also does not relate back to
21 the claim in the amended petition (ECF No. 39) or any of the claims in the initial petition (ECF No.
22 4). See 28 U.S.C. § 2244(d)(1); Mayle v. Felix, 545 U.S. 644 (2005). The amended petition is fully
23 briefed and is ready for decision. Under these circumstances, further amendment would be futile.

24 IT IS THEREFORE ORDERED that petitioner's proper person motion for withdrawal of
25 attorney (ECF No. 51) is **DENIED**.

26 IT IS FURTHER ORDERED that petitioner's proper-person motion for appointment of
27 counsel (ECF No. 52) is **DENIED**.
28

1 IT IS FURTHER ORDERED that petitioner's proper-person motion to stay (ECF No. 55) is
2 **DENIED.**

3 DATED: November 14, 2017.

4
5 
6 JAMES C. MAHAN
United States District Judge